

Specifically, the Examiner states that the term "method of claim 0" renders the claim indefinite.

In response thereto, Claim 8 is hereby amended to overcome this rejection, as suggested by the Examiner, to recite dependence upon Claim 7.

In addition, the Examiner states that Claim 8 is also indefinite when R^2 is H.

In response thereto, Claim 8 is hereby amended to overcome this rejection by defining the term R^2 , as used therein, as not including "H" as one of ordinary skill in the art would clearly understand that a compound of formula III does not require treatment with R^2 -L, to form a compound of formula II, wherein R^2 is H, as, in this particular instance, this formula III compound is the same compound as the formula II.

Thus, in view of the amendment, the rejection of Claim 8 is now moot.

Conclusion

Applicants concur with the Examiner's decision that Claims 1-7 and 9-10 are allowable.

Regarding Claim 8, based on the foregoing, Applicant respectfully submits that the Examiner's rejection, under 35 USC 112, second paragraph, is now moot. Therefore,

Applicant respectfully requests that the rejection of Claim 8 under 35 USC 112, second paragraph, be withdrawn. Applicant further requests that a notice of allowance be issued for pending Claims 1-10.

Respectfully Submitted:

Date: 14 April 2003

A handwritten signature in cursive script, reading "Scott Alexander McNeil", is written over a horizontal line.

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ATTACHMENT TO AMENDMENT

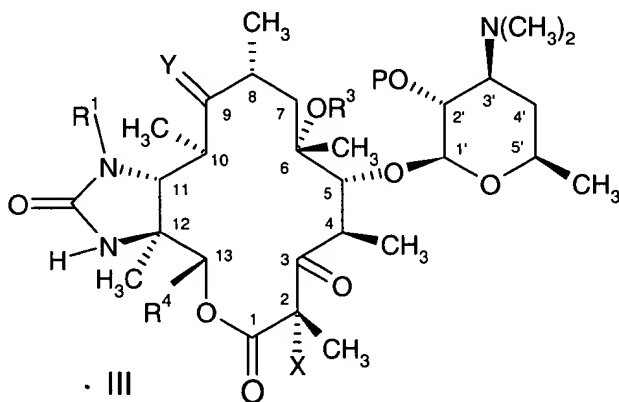
Version with Markings to Show Changes Made

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CLAIMS

2 (twice amended). The compound of claim [0] 1 wherein Y is =O or =NOR⁵, R¹ is (4- to 10-membered heterocyclic) C₁-C₆ alkyl, wherein the heterocyclic is substituted by 4- to 10-membered heterocyclic, R² is C₁-C₁₀ alkyl or C₂-C₁₀ alkenyl, R³ is C₁-C₆ alkyl, R⁴ is ethyl, R⁵ is C₁-C₆ alkyl, and R⁶ is H.

8 (twice amended). The method of claim [0] 7 further wherein the compound of formula II is prepared by treating a compound of the formula



with a strong base and a compound of formula R²-L, where L is a leaving group, and wherein R² is selected from the group consisting of [H,] C₁-C₁₀ alkyl, C₂-C₁₀ alkenyl, C₂-C₁₀ alkynyl, (4- to 10-membered heterocyclic) C₁-C₆ alkyl, (4- to 10-membered

heterocyclic) C₂-C₆ alkenyl, (4- to 10-membered heterocyclic) C₂-C₆ alkynyl, (C₆-C₁₀ aryl) C₁-C₆ alkyl, (C₆-C₁₀ aryl) C₂-C₆ alkenyl, and (C₆-C₁₀ aryl) C₂-C₆ alkynyl wherein said alkyl moieties of the foregoing groups are optionally substituted by halo or C₁-C₆ alkyl, and wherein said heterocyclic moieties are optionally substituted by 4- to 10-membered heterocyclic, (4- to 10-membered heterocyclic) C₁-C₆ alkyl, or (C₆-C₁₀ aryl) C₁-C₆ alkyl, and further wherein the aryl and heterocyclic moieties of each of the foregoing groups and optional substituents is optionally substituted by 1 to 4 R⁷ groups.